AMENDMENTS TO THE CLAIMS

In accordance with Rule 1.121, a complete claim listing is presented below, including appropriate status identifiers. Changes in the amended claims are shown by strikethrough for deleted material, and by underlining for added material.

1. (Currently Amended) ~~A~~ An injectable composition for controlled release of a bioactive agent, comprising:

a biodegradable crystallizable polymer;

a biodegradable amorphous polymer;

a biocompatible solvent having a miscibility with water less than 7 percent by weight; and

a bioactive agent.

2. Cancelled

3. (Original) The composition of claim 1, further comprising at least one biocompatible component solvent.

4. (Original) The composition of claim 1, further comprising an emulsifying agent.

5. (Original) The composition of claim 1, wherein the composition is sterile.

6. (Original) The composition of claim 1, wherein the biodegradable crystallizable polymer is a polyester.

7. (Original) The composition of claim 1, wherein the biodegradable crystallizable polymer is poly(ε-caprolactone).

8. (Original) The composition of claim 1, wherein the biocompatible solvent is ethyl benzoate.

9-16. Cancelled

17. (Previously Presented) The composition of claim 1, wherein the biodegradable amorphous polymer is a polyester.

18. (Previously Presented) The composition of claim 1, wherein the biodegradable amorphous polymer is poly(D,L-lactide).

19. (Original) The composition of claim 18, wherein the biodegradable crystallizable polymer is poly (ε-caprolactone) and the biocompatible solvent is ethyl benzoate.

20-33. Cancelled

34. (Currently Amended) A method of administering a bioactive agent, comprising:

inserting ~~the~~ an injectable composition ~~of claim 1~~ for controlled release of a bioactive agent into an organism,

wherein the composition comprises:

a biodegradable crystallizable polymer;

a biodegradable amorphous polymer;

a biocompatible solvent having a miscibility with water less than 7 percent by weight; and

a bioactive agent.

35-37. Cancelled

38. (Currently Amended) A method of making ~~the~~ an injectable composition ~~of claim 1~~ for administering a bioactive agent, comprising:

combining ingredients, wherein said ingredients comprise

a biodegradable crystallizable polymer;

a biodegradable amorphous polymer;

a biocompatible solvent having a miscibility with water less than 7 percent by weight; and

a bioactive agent.

39-48. Cancelled

49. (Previously Presented) The method of claim 34, further comprising at least one biocompatible component solvent.

50. (Currently Amended) The method of claim 34, wherein the composition further ~~comprising~~ comprises an emulsifying agent.

51. (Previously Presented) The method of claim 34, wherein the composition is sterile.

52. (Previously Presented) The method of claim 34, wherein the biodegradable crystallizable polymer is a polyester.

53. (Previously Presented) The method of claim 34, wherein the biodegradable crystallizable polymer is poly (ε-caprolactone).

54. (Previously Presented) The method of claim 34, wherein the biocompatible solvent is ethyl benzoate.

55. (Previously Presented) The method of claim 34, wherein the biodegradable amorphous polymer is a polyester.

56. (Previously Presented) The method of claim 34, wherein the biodegradable amorphous polymer is poly (D,L-lactide).

57. (Previously Presented) The method of claim 56, wherein the biodegradable crystallizable polymer is poly (ε-caprolactone) and the biocompatible solvent is ethyl benzoate.

58. (Previously Presented) The composition of claim 1, wherein the composition is multi-layered.

59. (Previously Presented) The method of claim 34, wherein inserting is by injecting.

60. (New) The composition of claim 1, wherein the biocompatible solvent is selected from the group consisting of lower alkyl esters of aryl acids, aralkyl esters of aryl acids, lower alkyl esters of citric acid, aryl ketones, aralkyl ketones, lower alkyl ketones and mixtures thereof.

61. (New) The composition of claim 3, wherein the biocompatible component solvent is selected from the group consisting of triacetin, diacetin, tributyrin, triethyl citrate, tributyl citrate, acetyl triethyl citrate, acetyl tributyl citrate, triethylglycerides, triethyl phosphate, diethyl phthalate, diethyl tartrate, mineral oil, polybutene, silicone fluid, glylcerin, ethylene glycol, polyethylene glycol, octanol, ethyl lactate, propylene glycol, propylene carbonate, ethylene carbonate, butyrolactone, ethylene oxide, propylene oxide, N-methyl-2-pyrrolidone, 2-pyrrolidone, glycerol formal, methyl acetate, ethyl acetate, methyl ethyl ketone, dimethylformamide, dimethyl sulfoxide, tetrahydrofuran, caprolactam, decylmethylsulfoxide, oleic acid, 1-dodecylazacycloheptan-2-one and mixtures thereof.

62. (New) The composition of claim 3, wherein the biocompatible component solvent is selected from the group consisting of triacetin, tributyl citrate, triethyl citrate, N-methyl-2-pyrrolidone and mixtures thereof.

63. (New) The composition of claim 3, wherein the biocompatible component solvent is miscible with the biocompatible solvent and has a miscibility with water of at least 7 percent by weight.

64. (New) The composition of claim 1, wherein the composition is a viscous gel.

65. (New) The composition of claim 1 having a viscosity less than 100 poise.

66. (New) The composition of claim 1, having a viscosity such that the composition can be dispensed through a 20 gauge needle.

67. (New) The method of claim 34, wherein the biocompatible solvent is selected from the group consisting of lower alkyl esters of aryl acids, aralkyl esters of aryl acids, lower alkyl esters of citric acid, aryl ketones, aralkyl ketones, lower alkyl ketones and mixtures thereof.

68. (New) The method of claim 49, wherein the biocompatible component solvent is selected from the group consisting of triacetin, diacetin, tributyrin, triethyl citrate, tributyl citrate, acetyl triethyl citrate, acetyl tributyl citrate, triethylglycerides, triethyl phosphate, diethyl phthalate, diethyl tartrate, mineral oil, polybutene, silicone fluid, glylcerin, ethylene glycol, polyethylene glycol, octanol, ethyl lactate, propylene glycol, propylene carbonate, ethylene carbonate, butyrolactone, ethylene oxide, propylene oxide, N-methyl-2-pyrrolidone, 2-pyrrolidone, glycerol formal, methyl acetate, ethyl acetate, methyl ethyl ketone, dimethylformamide, dimethyl sulfoxide, tetrahydrofuran, caprolactam, decylmethylsulfoxide, oleic acid, 1-dodecylazacycloheptan-2-one and mixtures thereof.

69. (New) The method of claim 49, wherein the biocompatible component solvent is miscible with the biocompatible solvent and has a miscibility with water of at least 7 percent by weight.

70. (New) The method of claim 34, wherein the composition is a viscous gel.

71. (New) The method of claim 34, wherein the composition has a viscosity less than 100 poise.

72. (New) The method of claim 34, wherein the composition has a viscosity such that inserting is through a 20 gauge needle.